

OUTLAWS AND VIGILANTES OF THE SOUTHERN PLAINS, 1865-1885

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It is an established fact that new countries, in the process of settlement and until their populations have time to become assimilated and homogeneous, have generally been the theatres of lawlessness and crime. In the occupation of the Trans-Mississippi West by Anglo-Americans, the frontier was the major back-wash of the great stream of civilization in which collected the jetsam of society. It was natural that the reckless and turbulent characters of the nation, fleeing from restrictions of orderly communities, should seek this area where they would find an environment in which they could carry on without interference their careers of crime and plunder. In commenting on this tendency in western lawlessness, Theodore Roosevelt said that the fact that such scoundrels were able to ply their trade with impunity for any length of time could only be understood if the absolute wildness of the land during its frontier period were taken into account.¹ Gamblers, swindlers, and prostitutes were common figures in frontier towns; and it is doubtful if there ever was a stage road in the West which was not infested with one or more highwaymen.² More numerous than any of these characters, however, were the horse and cattle thieves, who plagued almost every newly founded settlement along the frontier.

At the close of the Civil War, the southern part of the Great Plains constituted a large part of the undeveloped West, and in its isolated communities and wild retreats were found thousands of these undesirable characters. Indeed, the activities of outlaws in this region from 1845 to 1885 was one of the gravest problems

¹ Theodore Roosevelt, "Sheriff's Work on a Ranch," in *Century Magazine* (New York, 1870-1930), XXXVI (1888), 40.

² Charles Michelson, "Stage Robbers of the West," in *Munsey's Magazine* (New York, 1889-), XXV (1901), 450. As a class, the early stage drivers were faithful and loyal in performing their arduous and dangerous duties. They were frequently encompassed with dangers of attack from hostile Indians, or outlaws, yet under such circumstances their stages continued to run.

for frontiersmen to solve. In the rough area contiguous to the border settlements organized bands of desperadoes established bases from which to carry out their depredations on peaceful neighbors. The establishment of courts of justice did not keep stride with the amazingly rapid development of settlements; consequently, the six-shooter was too often the only law respected by the frontiersmen. Murders, thefts, and revolting crimes of every kind were of common occurrence wherever these desperadoes were found. The lives of many people, both innocent and guilty, were often snuffed out on the least provocation by ruthless killers; but as a general rule, they killed among their own kind. On this particular point, a westerner in 1875 wrote: "In all my residence upon the frontier, during which time sixty-two graves were filled by violence, in no case was the murder otherwise than a benefit to society. The dangerous class killed within its own circle."³ In the light of this demoralized condition of the southern plains⁴ during the frontier period, it would not be far from the truth to say that outlawry constituted one of the most retarding influences encountered by Anglo-Americans seeking to develop the country.

If one accepts the theory that character is to a large extent influenced by environment, it should not be surprising that the problem of crime assumed such formidable proportions during this early period. Although the crudities of frontier people, lack of officers of the law and courts of justice, and the general wildness of the raw frontier were factors which made a reign of outlawry possible, there is little doubt but that the general moral depravity of the frontier towns was a greater influence for evil. Numerous towns and villages sprang up along the Kansas Pacific, Atchison, Topeka and Santa Fe, Texas and Pacific, Missouri, Kansas and Texas, and other railway lines crossing the southern plains. In their infancy they were all pretty much alike; wild,

³ "Air Towns and Their Inhabitants," in *Harpers Magazine* (New York, 1850-), LI (1875), 833. The statement of the writer that the outlaw class "killed within its own circle," was not always true. In the promiscuous and numerous shooting affrays throughout the frontier area, frequently innocent bystanders were slain. On numerous other occasions outlaws intentionally killed law-abiding people.

⁴ The term "southern plains," probably has more historical justification than it has geographical. The "Southern Great Plains" would better identify the area geographically.

boisterous, and lawless. A trained observer who thus described a northern Texas town in 1875, might just as well have applied this description to many towns in the southern plains area of Texas, New Mexico, Colorado, and Kansas:

Every third building in the place was a drinking saloon with gambling appurtenances, filled after nightfall with a depraved, adventurous crowd, whose profanity was appalling, whose aspect was hideous. Men drunk and sober danced to rude music in the poorly-lighted saloons, and did not lack female partners. In vulgar bestiality of language, in the pure delight of parading profanity and indecency, the ruffian there had no equal. The gambling houses were nightly frequented by hundreds. Robberies were, of course, of frequent occurrence in the gambling hells, and perhaps are so still; but in the primitive hotels, where the luckless passengers from the Missouri, Kansas and Texas railway awaited a transfer by stage to Sherman, and where they were packed three or four together in beds in a thinly-boarded room through whose cracks rain might fall and dust blow, they were as safe from robbery or outrage as in any first-class house. Rough men abounded, and would, without doubt, have knocked any one upon the head who should find himself alone, unarmed, and late at night in their clutches.⁵

In this region and other parts of the southern plains general rowdiness was so prevalent as to give rise to the expression, "There is no Sunday west of Newton and no God west of Pueblo."⁶ Each of these towns had a cemetery in which were found graves of the victims of the six-shooter and knife; and some of them gained notoriety because of their "boot hills" in which only men were buried who "died with their boots on."

Texas was one of the first of the southern plains states to gain an unenviable reputation for outlawry. From the time that Lieutenant Augustus Magee broke up the gangs of outlaws in the neutral ground between Louisiana and Texas down to the battle of San Jacinto, the people of the northern and eastern parts of the United States had gradually come to believe that the Texas colonists were largely recruited from the undesirable classes of the nation. An American writer, who came to the young republic

⁵ Edward King, *The Southern States of North America* (London, 1875), 178.

⁶ Charles M. Harger, "Cattle-Trails of the Prairies," in *Scribners Magazine* (New York, 1887-), XI (1892), 736.

shortly after the revolution, was agreeably surprised to find that this prevailing opinion was not true. He wrote:

There is existing in the minds of the people in many places, if not generally, at the North, a strong and bitter prejudice against Texas. . . But why this prejudice against Texas? Because it has been represented to be the resort of criminals, of insolvent and fraudulent debtors, of outlaws, and bad characters of every description. . . .

But it is not admitted, nor the fact, that a large portion of the people of Texas are of the character above described. According to the best information which the author was able to obtain, whilst in Texas, in respect to the morals of the people, down to the commencement of the war in 1835, there could not be found in any of the United States of the North, a people more generally honest, honorable, hospitable, kind and peaceable, than were the people of Texas. Bankrupts and outlaws from the United States, had, to be sure, settled among them and particularly along the boundary of the two countries, but they had not corrupted the community, nor caused special disturbance.⁷

From this early time down to the disappearance of the Great Plains frontier hundreds of other similar statements were made tending to dispel the erroneous conception concerning the general character of the Texas people, but the impression made on the civilized world was not easily changed. "Gone to Texas," an expression often symbolized by the three letters, "G. T. T.," did not carry with it complimentary meaning for the immigrant of this state. As far away as England, and as late as 1884, this disparaging expression was often used, as is shown by the following purported comment of a resident of that country: "'G. T. T.,' replied our friend, severely emphasizing each letter, 'stands for Gone to Texas. When we want to say shortly that it's all up with a fellow, we just say, "G. T. T.," just as you'd say gone to the devil, or the dogs, over here.'"⁸

⁷ Rev. G. Newell, *History of the Revolution in Texas* (New York, 1838), 188-89. That there were champions of the good name of this state throughout its entire frontier period is evidenced from many sources. After the passing of more than three decades, another visitor to Texas wrote: "The people of the North and Europe have been told that the native Texan was a walking armament and that his only argument was a pistol-shot or the thrust of a bowie-knife. The Texan has been paraded on the English and French stages as a maudlin ruffian, sober only in savagery; and the vulgar gossipings of insincere scribes have been allowed to prejudice hundreds of thousands of people." See Edward King, *The Great South* (Hartford, 1875), 138.

⁸ Thomas Hughes (ed.), *Gone to Texas: Letters from Our Boys* (London, 1884), introd.

Although these conceptions were untrue, contemporary sources tend to prove that lawlessness was one of the gravest problems of the people of Texas from the days of the republic down to the disappearance of the frontier. Outlawry reached its climax in the western plains area of the state in the period from 1865 to 1885. Organized bands of desperadoes, both large and small, murdered peaceful citizens, stole horses and cattle, and created a reign of terror among the settlers. Indeed, they became so bold that the Austin *Daily Republican* of August 21, 1868, reported a raid on a federal commissary train by the Bickerstaff gang, near Sulphur Springs, in which the outlaw leader receipted the teamsters for their goods, took their commissaries, and then forced them to drive away empty handed. In the following year the commandant of the Department of Texas issued a general order in which he stated that information was received by him which tended to prove that cattle stealing prevailed to an unprecedented extent.⁹ Officers along the frontier were instructed to provide troops for the use of those who had lost cattle and who wished to force northern drovers to submit their herds for inspection. On January 12, 1873, the San Antonio *Daily Express* called attention to the fact that cattle stealing, or "lifting in Texas and New Mexico," had become an intolerable nuisance, paralyzing trade, driving away settlers, and causing endless bloodshed and disorder. The same charge was made by John Hittson, a western Texas ranchman in the next month. He stated that thieves had driven more than 100,000 cattle from Texas during the two preceding decades.¹⁰

There is little doubt but that many of the depredations charged against the wild Indian tribes north of the Red River were made by white desperadoes, frequently parading in the attire of Indians. Occasionally these renegades were killed at the head of raiding bands of Indians along the frontier. Thomas C. Battey, who spent more than two years as a school teacher among the

⁹ *General Orders, No. 108*, Headquarters Fifth Military District, State of Texas, Austin, Texas, June 7, 1869 (Old Records Division, Adjutant General's Office, Department of War, Washington).

¹⁰ San Antonio *Daily Express*, February 27, 1873. In addition to drives of stolen herds into New Mexico, thousands were also driven southward across the Rio Grande into Mexico.

Kiowas in the early 'seventies, made the following comment on such practices:

On one occasion the sheriff of one of the northwestern counties of Texas informed me, that twice in his official capacity he had called out a portion of the militia to put down Indian depredators in his county, and in the ensuing skirmish one or two had been killed. The individuals killed on both these occasions proved to be white men, so thoroughly disguised with false hair, masks, and Indian equipage, as to readily be mistaken for Indians.¹¹

He further stated that it was a well-known fact that there was a gang of desperadoes, having their headquarters close to Red River Station, Jacksboro, and Waco, Texas, who made a regular business of horse-stealing and other desperate deeds. They were easily mistaken for Indians both as to attire and activities, and were said to have been even more bold than the Indians in their raiding.

Many of the outlaws preying on Texas had their rendezvous either in the Indian Territory, New Mexico, or the Big Bend country of Texas. When they were followed to the latter area they easily made their escape by crossing the Rio Grande where they found a safe retreat. The Indian Territory, however, was almost as much of a problem for the frontier people as the region of the Rio Grande. It was under the control of the federal government and officers of the law from none of the contiguous states were allowed to enter thereon and arrest outlaws depredating on the frontier. Because of these handicaps organized bands of ruffians were almost as troublesome to border communities as were the hostile Indians; and they were even more of a problem to federal officers in the territory because of their forays on the property of the reservation tribes as well as the white settlements in Kansas and Texas. One observer who in 1873 wrote on conditions along the boundary of the Indian Territory and Texas stated that the existence of such an immense frontier, so near the newly settled districts of Texas, enabled rogues of all kinds to commit crimes with impunity, for, once over the border, a murderer or horse-thief could hide in the hills or in some secluded valley until his pursuers were fatigued

¹¹ Thomas C. Battey, *A Quaker Among the Indians* (Boston, 1875), 239.

and could then make his way out in another direction.¹² He further stated, however, that there were some peace officers, such as "Red" Hall of Denison, who in spite of complaints of "no jurisdiction" of those who resided there, crossed the Red River and apprehended criminals.

Year after year Indian agents stationed among the wild tribes north of the Red River complained of the activities of these renegades.¹³ The Fort Smith *New Era* of February 7, 1873, related an incident in which a posse from the Sugar Loaf and Scullyville country had pursued a band of outlaws into the Indian Territory, and succeeded in killing six of them. That such results made little impression on their numbers, however, is seen from an article in the Little Rock *Daily Republican* which stated that "lawless and reckless men who have fled from the restraints of law and society swarm into the Indian Territory, and adopting the half-nomadic, half-predatory life of the red man, become a terror to all decent men of every kind, and render life and property doubtful and insecure." The same publication on November 25 of the same year charged that murders in the territory the preceding summer had averaged twenty per month. Lawrie Tatum, agent for the Comanches and Kiowas, later wrote that the great scourge and curse which rested heavily upon the agency Indians was the horse thief from Texas and Kansas.¹⁴

The wild unsettled country of the Rio Grande was as well adapted to outlaw activities as that north of the Red River. Along this sinuous stream were found Mexican desperadoes and thieves as well as Anglo-Americans. When pursued by Mexican forces they crossed to the north bank of the river and when pursued by rangers they crossed back to the south side. When hard pressed, they scurried to this retreat from as far away as San Antonio. A visitor to this city in 1857 was dismayed to find so many criminals crowding the saloons and public dives. He

¹² King, *Southern States*, 178. Since settlers were not allowed to penetrate into this region, the desperado problem was a unique one. A majority of these renegades were in the Indian Territory without the permission of federal authorities, but they were cunning enough to stay out of the way of federal troops and agents stationed there.

¹³ See Indian reports for the years of outlaw disturbances.

¹⁴ Lawrie Tatum, *Our Red Brothers and the Peace Policy of Ulysses S. Grant* (Philadelphia, 1899), 200.

stated that street affrays were numerous and characteristic of the town, and that hardly an edition of the local weekly newspaper came from the press which did not recount the occurrence of fights and murders. In this connection he added that desperadoes, when confronted with trouble, found it comparatively easy to make their escape by crossing the Rio Grande.¹⁵

The activities of thieves and outlaws along the Rio Grande became so destructive that on May 24, 1870, the Texas legislature passed a joint resolution calling upon Congress to take steps to prevent Mexico from shielding cattle thieves when they sought refuge there. The Mexican government became aroused by such charges and sent a commission to the Rio Grande before the American Congress could act, and started an investigation on both sides of the river. The commission reported in 1873 that depredations were carried on by American Indians and white outlaws for which the American government was practically consigned to the rôle of *particeps criminis*, since it put forth little effort to prevent these crimes.¹⁶ The desperate condition of this frontier is reflected in a report of Adjutant-General Steele of Texas in 1877, which gave the names and descriptions of some five thousand men wanted in Texas, a large number of whom infested this area.¹⁷

Although the federal government did little to stamp out these bands of border ruffians, Texas rangers did valiant service in the emergency. Adjutant-General John B. Jones reported that this organization in 1878 had made 1001 scouts, killed twelve outlaws and wounded four, arrested 685 fugitives from justice, and had recovered 1,917 horses and cattle.¹⁸ In the succeeding years, until outlawry was materially reduced, they also rendered valuable service along the frontier.

A few of the many bands of outlaws in western Texas during this period were the "Peg Leg" stage robbers of Menard County; the "Jesse Evans" band of cow thieves of Lincoln County

¹⁵ Frederick L. Olmsted, *A Journey Through Texas* (New York, 1857), 158-59.

¹⁶ *Report of the Mexican Commission*, 1873 (Washington, 1873).

¹⁷ J. Frank Dobie, *A Vaquero of the Brush Country* (Dallas, 1929), 81. A preliminary report submitted to the House on December 10, 1872, concerning alleged outrages upon stock-raisers of western and northwestern Texas, placed the losses at \$44,572,415.43. See *House Exec. Docs.*, 43 Cong., 1 Sess., vol. XVII, no. 257, p. 3 ff.

¹⁸ Adjutant-General of the State of Texas, *Annual Report*, 1880 (Austin, 1881).

War notoriety; the "Dick Tutts" gang of Travis County; the "Bill Redding" cow and horse thieves of Llano County; the "Taylor" gang of Lampassas County; the "King Fisher" band of border thieves of Maverick County; the "Bone Wilson" gang of Erath County; and the John Wesley Hardin and Sam Bass gangs of central western Texas. To attempt to classify the more notorious outlaws of this region would be difficult indeed. They were all desperate killers and thieves, and generally ruled their gangs by audacity and cunning. Some of them were "gentlemen" outlaws, while others were little less than brutes. All of them had little regard for the rights of life and property of the well-meaning citizens of the frontier.

The outlaw problem of New Mexico was not quite so difficult of solution as were those of the Indian Territory and the Rio Grande. If thieves operating on the Texas settlements sought this region for safety, there were not so many complications encountered in bringing them to justice as in the other two areas mentioned. At best, however, the problem was difficult enough. Much of the territory was arid and mountainous and offered many hiding places for thieves. As early as 1847 Commissioner W. Medill of the Indian Bureau reported to Secretary of War W. L. Marcy, that depredations on the Santa Fe trade were in part directed by New Mexican outlaws.¹⁹ Three years later James S. Calhoun, Indian Agent in New Mexico, stated that the constant and unrestricted intercourse of traders with the Indians of that territory was the greatest curse upon it.²⁰ When A. B. Norton arrived in New Mexico in 1866 to take charge of his work as superintendent of Indian affairs, he found thousands of Texas cattle in the hands of New Mexican traders and thieves. He sought to stamp out illicit traffic in stolen plunder by restricting trade permits but without any considerable success.²¹ This intolerable situation was brought to a climax on March 25, 1872, when Sergeant Wilson, with a detachment of troops from Fort Con-

¹⁹ Commissioner of Indian Affairs for 1847, *Annual Report* (Washington, 1847), 744.

²⁰ Annie H. Abel (ed.), *The Official Correspondence of James S. Calhoun while Indian Agent at Santa Fe and Superintendent of Indian Affairs in New Mexico* (Washington, 1915), 105.

²¹ Commissioner of Indian Affairs for 1867-1868, *Annual Report*, part I, p. 194. Norton stated that "the territory was filled with Texas cattle."

cho, pursued a thieving band west of the post and took a Mexican lad as prisoner.²² The boy confessed that he was only one of a large band which had carried on its operations in Texas so long that a well-beaten road ran from the plains settlements to New Mexico. Colonel Renald S. MacKenzie with a force of more than three hundred men made an expedition from Fort Concho for the purpose of breaking up the band. The story of the Mexican lad was verified; a well beaten road was discovered, and evidences were found along the way, which indicated that the traffic in stolen cattle and horses must have been great.²³ The band of thieves became alarmed with the approach of the expedition and fled, but after a few months they resumed their operations.

The New Mexican towns were all much alike; little effort was made in Albuquerque, Las Vegas, and Santa Fe to banish lawlessness. Their saloons and gambling halls were generally filled with disreputable characters of all classes, and murderers so ganged together as to place the lives and property of law-abiding citizens in danger.²⁴ Conditions were such that cowboys, mule-drivers, tie-cutters, miners, ranchmen, gamblers, and all men generally wore their revolvers openly on the hip. "Those who rode about over the country added the Winchester to their armament, carrying it in a leather holster fastened to the saddle under the rider's left leg."²⁵ In some of the counties of New

²² Annual Report of General Augur, Department of Texas, 1872, (in Old Records Division, Adjutant-General's Office, War Department, Washington).

²³ *Ibid.*; also Medical History of Fort Concho, vol. CCV, pp. 58-59. This is one of the many large volumes containing the medical records, transfer of troops, and general activities about the frontier posts. These volumes are on file in the Old Records Division of the Adjutant-General's Office, War Department, Washington.

²⁴ There is little doubt but that liquor was the basis of much of the crime of the frontier. Practically all contemporary sources bear out this fact. In the "terminus towns" most of the duels were fought in saloons, or on the streets near them. Indian agents at the several posts scattered along the frontier condemned the sale of liquor to their wards, since it stimulated them in defying federal control. One who lived through the troublous times has recently said: "Pros and antis may argue for ages, but whiskey was the cause of death or ruin to many useful citizens. The promiscuous use of it, whether good, bad, or indifferent, where men carried side arms, brought on unhappy results in many an affair." See R. E. Fletcher, "Behind the Scenes of the Old West," in *The Cattleman* (Ft. Worth, Texas, 1914-), XVIII (1932), 23.

²⁵ Albert E. Hyde, "The Old Régime in the Southwest," in *Century Magazine*, LXIII (1902), 692. The writer stated that "men knew one another by given name or 'nickname,' for the most part. It was dangerous to be too curious about a man's antecedents. It was a rare thing to hear a man boast of his ancestry."

Mexico it was difficult to find men who would assume the burdens of the office of sheriff or deputy, since they had to be men of iron nerve, quick on the draw, and fearless in tight places.

Only an environment like this could have tolerated a Lincoln County war which developed during the late 'seventies. Legitimate ranch properties had been established in Lincoln County, New Mexico, after the Civil War. Adjoining these were small properties belonging to cattle "rustlers" and "brand-burners" whose owners preyed on the properties of the legitimate ranchers. Then, too, the affair was complicated still more by the rivalry of large concerns in the same business. The murder of a young Englishman, John H. Tunstall, on February 18, 1878, precipitated the war.²⁶ He was one of the leaders of the firm of J. H. Tunstall and Company, holding considerable ranch property in this county. The rival organization was the L. G. Murphy and Company ranch, or as it came to be known later, the J. J. Dolan and Company. Under the names of these two organizations, gunmen, thieves, and wild cowboys aligned themselves; and civil war, which had been smouldering for months, broke forth.

Among these desperate men one day rode a young outlaw who was to become notorious for his reputation as a gunman and killer.²⁷ William Antrim, *alias* William H. Bonney, or better known still as "Billy the Kid," was a lad only twenty-one years of age; yet he soon became leader of a dozen men who set out to run down the murderers of Tunstall, who were thought to be members of the Murphy faction. This was the beginning of a series of duels, assassinations, and occasionally pitched battles which terrorized the whole of western Texas and eastern New Mexico. "The Kid" had associated with him such desperate characters as Charles Bowdre, Tom O'Folliard, and Dave Rudabaugh, all of whom died violent deaths.²⁸ In an attempt to stamp out the bloody feud, Governor Lew Wallace of New Mexico held a midnight conference with "Billy the Kid" at which he threatened to use military force to end the disturbance, and duly pun-

²⁶ M. G. Fulton (ed.), *Pat F. Garrett's Authentic Life of Billy the Kid* (New York, 1927), 67.

²⁷ *Ibid.*; also William Raine, "Billy the Kid," in *Pacific Monthly* (Portland, Oregon, 1898-1911), XX (1908), 37-45.

²⁸ *Ibid.*

ish all concerned with it if it were not stopped immediately, but nothing came of the threat and the war went on. Later, however, "The Kid" was killed by Sheriff Pat Garrett and the trouble soon thereafter came to a close.

The "terminus outlaw" was an interesting type of the southern plains desperado. He was so called because he generally arrived at the newly created towns at the termini of the rapidly building roads with the setting up of the first business structures.²⁹ He either erected, was financially interested in, or a patron of the saloon, the gambling hall, the house of prostitution. Sometimes he was a habitue of the small, ill-smelling eating houses, which were occasionally an appendage of the other three. In such towns he found his natural element; he did not encounter here the embarrassing restrictions of law and order with which he had to contend in older towns of the West. Here, too, with native cunning and cleverness at cards, he could take from the whiskey-filled cowboy his hard-earned wages.³⁰

With the projection of the Kansas Pacific railway across the Kansas prairies several of these termini towns became known as the resorts of outlaws. Characters such as "Long Steve," "Dad Smith," "Rake Jake," and "Tom Smith of Bear River" became the scourge of the peacefully inclined citizens of the country.³¹ Indeed, a veritable reign of terror prevailed in all the new towns, and representatives of the law were helpless in trying to bring order out of chaos. In such towns might was the only law, and if occasionally a marshal was found, like William Hickok, the original "Wild Bill," who could rule an Abilene in its rudest period, it was because he was quicker with the revolver and more daring than the roisterers themselves.

The first of these towns to gain notoriety was Abilene, which became a cattle shipping point in 1867 as a result of the advertising work of Joseph G. McCoy. Soon after the arrival of the Texas herds, it became a boisterous town, and for several years

²⁹ An interesting discussion of the "terminus outlaw" is found in King, *The Great South*, 205-207.

³⁰ L. C. Bradford, "Among the Cowboys," in *Lippincott's Magazine* (Philadelphia, 1868-85), XXVIII (1881), 566, *et seq.*

³¹ J. H. Beadle, *Western Wilds, and the Men Who Redeem Them* (Cincinnati, 1878), 213.

retained the unenviable reputation of being the "wickedest town in the West." It was soon equalled, however, if not surpassed, by Dodge City which appropriated the title by 1873; and, when the gold fields of Colorado were more and more thronged by new arrivals, such a title passed from the state and became the property of Leadville and Deadwood.³²

Dodge City was laid out in July, 1872, under the supervision of A. A. Robinson, chief engineer of the Atchison, Topeka, and Santa Fe railway. This town, too, was a cattle shipping point; and, as stated, drew the same classes of immigrants as had previously gone to Abilene. R. M. Wright, one of its first substantial citizens, thus characterizes the reign of outlawry: "We were entirely without law and order, and our nearest point of justice was Hays City, ninety-five miles northeast of Dodge City. Here we had to go to settle our differences, but take it from me, most of those differences were settled by rifle or six-shooter on the spot."³³

Still another of these lawless towns was Ellsworth. An observer who visited this place in October, 1867, stated that J. H. Runkle, prosecuting attorney, informed him that for ninety-three days prior to that time, a homicide had been committed in the town or vicinity every day. He stated that it was the usual morning salutation by guests of the local hotel to ask, "Shall we have a man for breakfast?" and it was generally found that some one had answered the question affirmatively during the previous night.³⁴ "A short life and a merry one," seemed to have been the motto of the roisterer; and, although his life was sometimes short enough, its merriment must remain a matter of doubt.

Much has been said and written about the rowdyism of the Texas cowboy in these northern cattle towns, which in part is true, but this may be said in his favor: the average cowboy was by no means an outlaw, and should not be classified with such desperate characters as those previously mentioned. His pro-

³² Harger, *loc. cit.*, 733, 736.

³³ R. M. Wright, *Dodge City the Cowboy Capital* (n. p., n. d.), 10.

³⁴ Beadle, *op. cit.* Interesting newspaper comments on the turbulence of frontier society in this area are found in Topeka *Star Record*, July 22, 1874; Topeka *Commonwealth*, July 1, 1875, also July 8, 9, 11, 13, and 30.

fession dictated for him a wild, rough life. Usually clad in the soiled and dusty jeans of the trail, for weeks in succession without using water to make his appearance more presentable, and unshaven and unshorn, he generally appeared a worse character than he really was. Then, too, his reputation was not enhanced when he gave free rein to his exuberant spirits, by taking some quiet Kansas village by storm, setting the local laws at defiance, and compelling the authorities to acknowledge the sovereignty of his native state. The Kansas cattle towns catered to their worst passions by providing saloons, dance halls, and gambling dens as centers of amusement.

In reading early accounts of frontier conditions it is easy for the research student to be led into error. Sometimes a noisy minority is mistaken for a majority. The "scandal monger" was as much in evidence during the frontier period as he is today, and his lurid accounts of outlawry and crime must be carefully sifted in order to arrive at the facts. That outlawry existed in the southern plains region during its entire frontier era cannot be doubted; and that it was difficult to bring law and order out of the general chaos which existed cannot be successfully contradicted; but to conclude that a majority of the inhabitants of this area were willful violators of law would be to hit wide of the mark. Indeed, a large majority of the people were law-abiding, and sought to regulate their social order in such a way as best to conserve their common interests. In communities where they could not depend on law courts and peace officers to protect their interests they organized secret bodies known as vigilance committees. Sometimes much blood was spilled by murderers and the rights of peaceful citizens were flagrantly trampled upon by evil-doers before public sentiment could be aroused to the point of creating such organizations, but necessity in such emergencies was "the mother of invention." Stern-faced, resolute citizens finally decided to rid themselves of outlaws and thieves, by means of their vigilance committees. These secret bodies were an ever present source of terror to the evil-doers. Grim justice was meted out;³⁵ horse thieves, cattle thieves, swindlers, prosti-

³⁵ An observer of the southern plains in the days when the country had but recently been cleared of outlaws, wrote: "Theoretically mob law is utterly reckless in its operations, but an examination of the work of the illegitimate tribunals of the far

tutes, and murderers were all alike driven from the country, treated to the hangman's noose,³⁶ or shot. The procedure of this self-constituted³⁷ tribunal was raw and harsh but it undoubtedly had beneficial results — the ranks of the disreputable characters were appreciably thinned.

Kansas was the first of the southern plains states to use vigilance committees extensively. Ten days after the opening of Kansas Territory, on June 10, 1854, a band of Missourians met on the Kansas side of the boundary, in Salt Creek Valley, three miles from Fort Leavenworth, and organized the Squatters Claim Association. The members of this organization agreed to recognize slavery already existing in the territory, declared that they would afford no protection to abolitionists as settlers of Kansas, and gave their approval to the creation of a vigilance committee to consist of thirteen members which should have for its purpose the protection of their common rights.³⁸ A short time after its organization, William Phillips, a free state lawyer, was tarred, feathered, and ridden on a rail when he refused to leave town as he had been ordered to do. Up until the outbreak of the Civil War numerous similar bodies came into existence, some to fight the cause of pro-slavery, some the free state movement, and some to put down outlawry wide-spread throughout the state. Colonel James Montgomery's "Self-Protective Association" in Linn County, organized in 1857;³⁹ and the Council City organization which became very active in the spring and summer of 1858 were evidences of this fact.⁴⁰

West shows no more apparent injustice, no greater percentage of mistakes, than an equal term of the judge and jury administered criminal law, of older communities." See Charles Michelson, "The Vigilance of the West," in *Munsey's Magazine*, XXV (1901), 212.

³⁶ The editor of the *Topeka Commonwealth*, July 14, 1875, wrote: "The Arkansas valley is infested with a bold gang of horse thieves. A vigilance committee has been organized at Dodge City, and it would not be surprising if some of the telegraph poles were found ornamented some of these days."

³⁷ The San Francisco vigilance committee was sanctioned by the governor of the state. Many committees organized throughout the Southwest were permanent organizations with elected officials, and stated meetings; but in a majority of the cases, they came to life as exigencies demanded.

³⁸ George W. Martin, "The First Two Years of Kansas," in Kansas State Historical Society, *Collections* (Topeka, 1875-), X (1907-1908), 126, 131.

³⁹ "Colonel Montgomery and His Letters," in *ibid.*, XIII (1913-14), 260.

⁴⁰ Stephen J. Spear, "Reminiscences of the Early Settlement of Dragoon Creek, Wabaunsee County," in *ibid.*, 353.

The period of the Civil War was one of desperate peril to the frontiersmen in western Kansas.⁴¹ One of the early settlers of the state affirmed that "in the scope of country included in the border counties of Missouri and westward to the Rocky Mountains, . . . the devil was surely loose and getting in his work."⁴² In the town of Manhattan desperadoes became so bold and active that the lives and property of its citizens were seriously imperiled. It was at this crisis that James Humphrey, editor of the *Express*, succeeded in arousing public sentiment to such an extent that a vigilance committee was formed. The band of outlaws was scattered by an early morning raid which resulted in the killing of one and the arrest of fifteen, the leaders of whom were later executed by order of the vigilantes.⁴³ About the same time an outlaw by the name of Edwards was put to death by a vigilance committee at Topeka which had been active for several months.⁴⁴ These determined attempts, however, made little impression on outlawry in general along the frontier of the state.

There are numerous evidences which tend to prove that the work of vigilance committees in Kansas after the Civil War was much more effective than during the period of the struggle. This state did not encounter the complicated reconstruction problems which confronted Arkansas and Texas,⁴⁵ for this reason more effective organizations were possible. Vigilantes hanged "Dad Smith"; notorious "Long Steve" met a similar fate; and "Rake Jake" and two of his companions were surrounded in a cabin on the prairies of western Kansas and slain by the vigilantes.⁴⁶

From 1870 to 1885 Texas newspapers often carried accounts

⁴¹ A missionary in this area during this troublesome period stated that he had frequently "ridden out on horseback in the night to meet an engagement or answer a call, holding the reins in one hand and a drawn pistol in the other, peering into the darkness, not knowing what was before me." Rev. Hiram Stone, "Memoirs of a Pioneer Missionary and Chaplain in the United States Army," in *ibid.*, 342.

⁴² George W. Martin, "The Life and Services of James Humphrey," in *ibid.*, 282.

⁴³ *Ibid.*

⁴⁴ Louis C. Laurent, "Reminiscences by the Son of a French Pioneer," in *ibid.*, 366-67.

⁴⁵ Charles W. Ramsdell, *Reconstruction in Texas* (New York, 1910), and T. S. Staple, *Reconstruction in Arkansas, 1862-1874* (New York, 1923), portray well the reconstruction problems encountered in these two states.

⁴⁶ Beadle, *op. cit.*

of the activities of these secret bands. The editor of the *Denison Daily News* on January 14, 1874, captioned one of his first page articles, "A Horse Thief Lynched:— and Another in Tow!" Then on March 23 of the same year he headed another, "A Horse Stolen — The Thief Caught — a Battle — Death — An Escape — and Probably a Neck or Two Stretched." Early risers at Old Fort Griffin during this same period more than once had ocular proof of the grim effectiveness of the work done by the vigilantes there by seeing bodies of desperadoes hanging from the limbs of pecan trees on the banks of the Clear Fork of the Brazos with placards appended thereto bearing the inscription, "Horse Thief No. 1," no. 2, etc.⁴⁷ All over the state wherever criminals congregated similar bands were organized, which drove evil-doers to more remote places.

Many times the vigilantes struck without warning when the crime merited such action, but occasionally criminals were warned to leave the community. The annual report of Adjutant-General F. L. Britton of Texas for 1873 carried a copy of a letter which is curiously interesting in this connection. It read:

Warning to Thieves in Hill County
(Here giving names of four men)

We give you choice between two things: you can take which you please. Many of your companions in thieving have gone to another country. The ropes and six-shooter balls are also prepared for you by the same one. If you wish to preserve your lives, leave this country in thirty days. Get clear away. If either one of you are found in this

⁴⁷ The *Denison Daily News*, June 4, 1876, gave an account of the hanging of two horse-thieves, Floyd and Henderson; the *Dallas Daily Herald*, April 23, 1876, also narrates the execution of a horse-thief by the name of McBride. In both instances vigilantes were responsible for the carrying out of the death decrees. In relation to the execution of McBride, the writer states: "A pick and shovel may be seen underneath the rotting body, a silent hint, I presume, to the sympathetic spectator to cut down, if he wishes, and inter the blackened and hideous corpse above." He also wrote that a band of horse-thieves headed by a young man named Watson, was captured by the vigilantes, but that their fate remained a mystery to the people of this wild town.

As to his opinion of the vigilantes the writer says: "A vigilance committee is now astonishing the authorities, both military and civil, by the off-hand way it does business. Already several suspicious characters have been ordered to leave or fare worse. The characters aforesaid have taken the hint from their unknown admonishers and cleared out. So far, so good, and as long as the committee cleans out and strings up the right party or parties, it has the well wishes of every lover of tranquility."

country after the fifteenth of April, you will meet with the same fate that (here giving names of two reputed outlaws), and others have met with.

Yours respectfully
Death to Thieves.

Still other instances of the work of the vigilantes in the southern plains area could be given to show that the movement was fairly general. It differed considerably from the modern mob movement in that it was directed primarily against criminality in general and not a criminal in particular. It was also generally in evidence where courts of justice, created by federal or state law, did not operate, and was carried on by the most substantial citizens of the community. It was gradually abandoned with the establishment of law and order, or degenerated into mob action, which came to be discredited in the eyes of the progressive citizenship of the country. The vigilantes unquestionably served the frontier well in ridding it of desperado control. They bridged the gap between the lawless frontier and the orderly communities which came later. As one would expect in the creation of so many bodies of this kind, occasionally irregularities and injustices occurred, but on the whole their work hastened the coming of law and order.

The most of the southern plains area passed its worst stage of outlaw activity by 1885. Stabilization of the frontier had brought into the region a more substantial class of people. One writer in 1904, stated: "There is less drinking of bad whiskey, and less attention to the fascinations of the gaming-table."⁴⁸ Another observer in 1886 was impressed with the fact that deeds of violence were then few and that the general "*morale* of the entire range and ranch cattle business of the United States now compares favorably with that of other large enterprises."⁴⁹

⁴⁸ Arthur Chapman, "The Cowboy of Today," in *World's Work* (New York, 1900-32), VIII (1904), 5278; J. Ambulo, "The Cattle on a Thousand Hills," in *Overland Monthly* (San Francisco, 1875-), IX (1887), 226, makes about the same statement.

⁴⁹ Joseph Nimmo Jr., "The American Cow-Boy," in *Harpers Magazine*, LXXIII (1886), 884.